

CUSTOMER NO.: 24498**Serial No. 10/527,956**

Reply to Office Action dated: 06/17/08

Response dated: 08/25/08

**PATENT
PU020426****Remarks/Arguments**

In the Notice Non-Compliant Amendment, the Examiner stated that claims 18-20 and 22 were improperly dependent on cancelled claim 17. In addition, in the Office Action, the Examiner stated that claims 1-27 are pending in the application and that claims 1-27 stand rejected. By this response, claim 17 is cancelled, claim 28 is added and claims 1, 14, 16, 18-20, 22 and 23 are amended to correct for inadvertent formality errors, dependency errors and to more clearly define the invention of the Applicants.

In view of the amendments presented above and the following discussion, the Applicants respectfully submit that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103 and that all claims have proper dependencies. Thus, the Applicants believe that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 102**

The Examiner rejected the Applicants' claims 1-4, 6, 8-25 and 27 under 35 U.S.C. § 102(e) as being anticipated by Takahashi et al. (U.S. 6,449,352, hereinafter "Takahashi"). The rejection is respectfully traversed.

The Examiner alleges that regarding claim 1, Takahashi teaches a method for providing video on demand playback including all of the elements of the Applicants' invention. The Applicants respectfully disagree.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Applicants respectfully submit that Takahashi absolutely fails to teach, suggest or anticipate the invention of the Applicants, at least with respect to independent claim 1, which specifically recites:

"A method for providing video on demand playback,
comprising:

'receiving at a VoD player a plurality of program segments,
each corresponding to a fractional part of an entire program;

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'receiving at said VoD player a key table containing packet count information corresponding to the number of data packets contained in at least one of said program segments; and
identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback."

The Applicants submit that Takahashi does not teach or suggest, "receiving at a VoD player a plurality of program segments, each corresponding to a fractional part of an entire program; receiving at said VoD player a key table containing packet count information corresponding to the number of data packets contained in at least one of said program segments", as taught in the Applicants' specification and as claimed by at least the Applicants' claim 1.

For example, Takahashi does NOT include even one occurrence of the word "demand", let alone "video on demand" and "VoD", as recited in Claim 1. Hence, Takahashi fails to disclose this limitation of Claim 1. Moreover, "video on demand" is also recited in each of Claims 14, 16, and 23. Hence, Takahashi also fails to disclose this limitation of Claims 14, 16, and 23.

The Examiner cited Figure 21 of Takahashi for attempting to anticipate the features of the Applicants' claim 1. The Applicants disagree. Figure 21 of Takahashi corresponds to an MPEG transport stream, with Figure 21(c) simply showing a header of a TS packet, where the header includes a (continuity) counter. "The counter shows the sequence of TS packets having same PID. The counter is expressed in four bits, and is increased by one, returning to 0 after 15" (Takahashi, col. 1, lines 44-46). The counter shown in the header depicted in Figure 21(c) of Takahashi corresponds to the continuity counter 208 shown in the header of a TS in Figure 2 of the Applicants' specification. As is known, the continuity counter is, "used to determine if packets are lost or repeated" (Applicants' specification, p. 4, lines 2-3). Accordingly, the continuity counter is used in conjunction with the discontinuity indicator 211 "to help identify any discontinuity in the time base (PCR) and continuity_counter" (Applicants' specification, p. 4, lines 7-8). Thus, the continuity counter, according to the prior art, as shown in Figure 2 of the Applicants' specification and Figure 21(c) of Takahashi, is evaluated for discontinuities (i.e., gaps) in consecutive values thereof, which indicate